

Serial No. 10/632,561

Amendment in Resp. to Off. Action of May 4, 2007

UTILITY PATENT

B&D No. JK01243

REMARKS

Applicant has amended Claims 35. Currently in the above-identified application therefore are Claims 21-25 and 35-41.

The Examiner has rejected Claim 35-36 under 35 USC § 102(b) as anticipated by US Patent No. 6,481,322 ("Hsiung"). Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 35, as amended, calls for a table saw comprising a support surface with an aperture therethrough, for supporting a workpiece, a beveling cutting device adjustably extending through the support surface aperture, said cutting device for cutting a workpiece, the cutting device being disposed in a plane and having a perimeter, the cutting device having a rotational axis disposed below the support surface and within the perimeter of the cutting device, and a beveling axis substantially perpendicular to the rotational axis, whereby operation of the cutting device in the workpiece results in the formation of a kerf having a first and a second side in the workpiece, a first optical emitting device adjustably coupled to the table saw and disposed above the support surface to project a first optical indicator substantially aligned with the plane, wherein the first optical emitting device is configured so as to bevel with the cutting device, such that said first optical indicator is projected to substantially indicate a cutting path of the cutting device along the workpiece.

Admittedly, Hsiung discloses a support surface with an aperture therethrough, for supporting a workpiece, a beveling cutting device adjustably extending through the support surface aperture, said cutting device for cutting a workpiece, the cutting device being disposed in a plane, whereby operation of the cutting device in the workpiece results in the formation of a

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kerf having a first and a second side in the workpiece, a first optical emitting device adjustably coupled to the table saw and disposed above the support surface to project a first optical indicator substantially aligned with the plane, wherein the first optical emitting device is configured so as to bevel with the cutting device, such that said first optical indicator is projected to substantially indicate a cutting path of the cutting device along the workpiece.

Hsiung however does not disclose that the rotational axis of the cutting device, i.e., the blade, is disposed below the support surface, as found in table saws. Instead, it shows the rotational axis to be disposed above the support surface, as found in miter saws.

By contradistinction, Claim 35 requires that "the cutting device [have] a rotational axis disposed below the support surface." Because Hsiung does not disclose or suggest such arrangement, it cannot anticipate or render unpatentable Claim 35 and its dependent claims.

The Examiner apparently has interpreted "cutting device" to include the entire saw assembly, rather than just the blade. Under such interpretation, the Examiner argues that the location of the rotational axis of the cutting device can be placed anywhere, as shown by Hsiung, US Patent Nos. 1,336,501 ("Blanckensee"), 1,730,938 ("Kleeb"), 1,807,120 ("Lewis"), 3,130,621 ("Else"), and 3,540,338 ("McEwan"). However, in all these references, the rotational axis of the blade are (a) disposed above the support surface, and (b) outside of the perimeter of the blade.

By contradistinction, Claim 35 calls for a blade or cutting device "having a rotational axis disposed below the support surface and within the perimeter of the cutting device." Because none of the cited references show such arrangement, they cannot render unpatentable Claims 35-36.

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In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 21-25 and 35-41 are respectfully requested.

No fee is due for the present amendment. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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